



DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

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Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation projects and facilities to reflect current costs of administration, operation, maintenance, and rehabilitation.

DATES: The irrigation assessment rates are current as of January 1, 2021.

FOR FURTHER INFORMATION CONTACT: For details about a particular BIA irrigation project or facility, please use the tables in the SUPPLEMENTARY INFORMATION section to identify contacts at the regional or local office at which the project or facility is located.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the **Federal Register** on May 10, 2021 (86 FR 24884) to propose adjustments to the irrigation assessment rates at several BIA irrigation projects. The public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended July 9, 2021.

Did BIA defer or change any proposed rate increases?

No. BIA did not defer or change any proposed rate increases.

Did BIA receive any comments on the proposed irrigation assessment rate adjustments?

No. BIA did not receive any comments on the proposed irrigation assessment rate adjustments.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Publishing Office at www.gpo.gov.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior (Secretary) by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary – Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior’s Departmental Manual.

Whom can I contact for further information?

The following tables are the regional and project/agency contacts for our irrigation facilities.

Northwest Region Contacts	
Bryan Mercier, Regional Director Bureau of Indian Affairs, Northwest Regional Office 911 NE 11th Avenue Portland, OR 97232-4169 Telephone: (503) 231-6702	
Project Name	Project/Agency Contacts
Flathead Indian Irrigation Project	Larry Nelson, Acting Irrigation Project Manager P.O. Box 40

	Pablo, MT 59855 Telephone: (406) 745-2661
Fort Hall Irrigation Project	David Bollinger, Irrigation Project Manager Building #2 Bannock Avenue Fort Hall, ID 83203-0220 Telephone: (208) 238-1992
Wapato Irrigation Project	Pete Plant, Project Administrator 413 South Camas Avenue Wapato, WA 98951-0220 Telephone: (509) 877-3155

Rocky Mountain Region Contacts	
Susan Messerly, Regional Director Bureau of Indian Affairs, Rocky Mountain Regional Office 2021 4th Avenue North Billings, MT 59101 Telephone: (406) 247-7943	
Project Name	Project/Agency Contacts
Blackfeet Irrigation Project	Thedis Crowe, Superintendent Greg Tatsey, Irrigation Project Manager P.O. Box 880 Browning, MT 59417 Telephones: (406) 338-7544 Superintendent (406) 338-7519 Irrigation Project Manager
Crow Irrigation Project	Clifford Serawop, Superintendent Jim Gappa, Acting Irrigation Project Manager (BIA) (Project operation & maintenance performed by Water Users Association) P.O. Box 69 Crow Agency, MT 59022 Telephones: (406) 638-2672 Superintendent (406) 247-7998 Acting Irrigation Project Manager
Fort Belknap Irrigation Project	Mark Azure, Superintendent Jim Gappa, Acting Irrigation Project Manager (BIA) (Project operation & maintenance contracted to Fort Belknap Indian Community under PL 93-638) 158 Tribal Way, Suite B, Harlem, MT 59526 Telephones: (406) 353-2901 Superintendent (406) 247-7998 Acting Irrigation Project Manager (406) 353-8466 Tribal Irrigation Office
Fort Peck Irrigation Project	Anna Eder, Superintendent Jim Gappa, Acting Irrigation Project Manager (BIA) (Project operation & maintenance performed by Fort Peck Water Users Association) P.O. Box 637 Poplar, MT 59255 Telephones: (406) 768-5312 Superintendent (406) 247-7998 Acting Irrigation Project Manager (406) 653-1752 Lead ISO – Huber Wright
Wind River Irrigation Project	Leslie Shakespeare, Superintendent Jim Gappa, Acting Irrigation Project Manager (BIA) (Project operation & maintenance for Little Wind, Johnstown, and Lefthand Units contracted to Tribes under PL 93-638; Little Wind-Ray

	and Upper Wind Units operation & maintenance performed by Ray Canal, A Canal, and Crowheart Water Users Associations) P.O. Box 158 Fort Washakie, WY 82514 Telephones: (307) 332-7810 Superintendent (406) 247-7998 Acting Irrigation Project Manager
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Southwest Region Contacts	
Patricia L. Mattingly, Regional Director Bureau of Indian Affairs, Southwest Regional Office 1001 Indian School Road, NW Albuquerque, NM 87104 Telephone: (505) 563-3100	
Project Name	Project/Agency Contacts
Pine River Irrigation Project	Priscilla Bancroft, Superintendent Vickie Begay, Irrigation Project Manager P.O. Box 315 Ignacio, CO 81137-0315 Telephones: (970) 563-4511 Superintendent (970) 563-9484 Irrigation Project Manager

Western Region Contacts	
Bryan Bowker, Regional Director Bureau of Indian Affairs, Western Regional Office 2600 North Central Avenue 4th Floor Mailroom Phoenix, AZ 85004 Telephone: (602) 379-6600	
Project Name	Project/Agency Contacts
Colorado River Irrigation Project	Davetta Ameelyenah, Superintendent Gary Colvin, Irrigation Project Manager 12124 1st Avenue Parker, AZ 85344 Telephones: (928) 669-7111 Superintendent (928) 662-4392 Irrigation Project Manager
Duck Valley Irrigation Project	Joseph McDade, Superintendent (Project operation & maintenance compacted to Shoshone-Paiute Tribes under PL 93-638) 2719 Argent Avenue, Suite 4, Gateway Plaza Elko, NV 89801 Telephones: (775) 738-5165 Superintendent (208) 759-3100 Tribal Office
Yuma Project, Indian Unit	Denni Shields, Superintendent (Bureau of Reclamation (BOR) owns the Project and is responsible for operation & maintenance) 256 South Second Avenue, Suite D Yuma, AZ 85364

	Telephones: (928) 782-1202 Superintendent (928) 343-8100 BOR Area Office Manager
San Carlos Irrigation Project (Indian Works and Joint Works)	Ferris Begay, Project Manager (BIA) Kyle Varvel, Acting Supervisory Civil Engineer (BIA) (Portions of Indian Works operation & maintenance compacted to Gila River Indian Community under PL 93-638) 13805 North Arizona Boulevard Coolidge, AZ 85128 Telephones: (520) 723-6225 Project Manager (520) 562-3372 Acting Supervisory Civil Engineer (520) 562-6720 Gila River Indian Irrigation & Drainage District
Uintah Irrigation Project	Antonio Pingree, Superintendent Ken Asay, Irrigation System Manager (BIA) (Project operation & maintenance performed by Uintah Indian Irrigation Project Operation and Maintenance Company) P.O. Box 130 Fort Duchesne, UT 84026 Telephones: (435) 722-4300 Superintendent (435) 722-4344 Irrigation System Manager (435) 724-5200 Uintah Indian Irrigation Operation and Maintenance Company
Walker River Irrigation Project	Gerry Emm, Acting Superintendent 311 East Washington Street Carson City, NV 89701 Telephone: (775) 887-3500

What irrigation assessments or charges are adjusted by this notice?

The rate table below contains final rates for the 2021 and 2022 calendar years for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. An asterisk immediately following the rate category notes the irrigation projects where 2021 rates are different from the 2022 rates.

Northwest Region Rate Table			
Project Name	Rate Category	Final 2021 Rate	Final 2022 Rate
Flathead Irrigation Project	Basic per acre – A	\$33.50	\$33.50
	Basic per acre – B	\$16.75	\$16.75
	Minimum charge per tract	\$75.00	\$75.00
Fort Hall Irrigation Project	Basic per acre *	\$58.50	\$62.50
	Minimum charge per tract *	\$39.00	\$40.00
Fort Hall Irrigation Project – Minor Units	Basic per acre *	\$38.00	\$41.00
	Minimum charge per tract *	\$39.00	\$40.00

Fort Hall Irrigation Project – Michaud Unit	Basic per acre *	\$63.50	\$68.50
	Pressure per acre *	\$99.50	\$106.50
	Minimum charge per tract *	\$39.00	\$40.00
Wapato Irrigation Project – Toppenish/Simcoe Units	Minimum charge per bill	\$25.00	\$25.00
	Basic per acre	\$25.00	\$25.00
Wapato Irrigation Project – Ahtanum Units	Minimum charge per bill	\$30.00	\$30.00
	Basic per acre	\$30.00	\$30.00
Wapato Irrigation Project – Satus Unit	Minimum charge per bill	\$79.00	\$79.00
	“A” Basic per acre	\$79.00	\$79.00
	“B” Basic per acre	\$85.00	\$85.00
Wapato Irrigation Project – Additional Works	Minimum charge per bill	\$80.00	\$80.00
	Basic per acre	\$80.00	\$80.00
Wapato Irrigation Project – Water Rental	Minimum charge per bill	\$86.00	\$86.00
	Basic per acre	\$86.00	\$86.00

Rocky Mountain Region Rate Table			
Project Name	Rate Category	Final 2021 Rate	Final 2022 Rate
Blackfeet Irrigation Project	Basic per acre	\$20.50	\$20.50
Crow Irrigation Project – Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units)	Basic per acre	\$28.50	\$28.50
Crow Irrigation Project – All Others (includes Bighorn, Soap Creek, and Pryor Units)	Basic per acre	\$28.50	\$28.50
Crow Irrigation Project - Two Leggins Unit	Basic per acre	\$14.00	\$14.00
Crow Irrigation Two Leggins Drainage District	Basic per acre	\$2.00	\$2.00
Fort Belknap Irrigation Project	Basic per acre *	\$17.00	\$18.00
Fort Peck Irrigation Project	Basic per acre	\$27.00	\$27.00
Wind River Irrigation Project –	Basic per acre	\$25.00	\$25.00

Units 2, 3 and 4			
Wind River Irrigation Project – Unit 6	Basic per acre	\$22.00	\$22.00
Wind River Irrigation Project – LeClair District (See Note #1)	Basic per acre	\$47.00	\$47.00
Wind River Irrigation Project – Crow Heart Unit	Basic per acre	\$16.50	\$16.50
Wind River Irrigation Project – A Canal Unit	Basic per acre	\$16.50	\$16.50
Wind River Irrigation Project – Riverton Valley Irrigation District (See Note #1)	Basic per acre	\$30.65	\$30.65

Southwest Region Rate Table			
Project Name	Rate Category	Final 2021 Rate	Final 2022 Rate
Pine River Irrigation Project	Minimum charge per tract	\$50.00	\$50.00
	Basic per acre *	\$22.00	\$22.50

Western Region Rate Table			
Project Name	Rate Category	Final 2021 Rate	Final 2022 Rate
Colorado River Irrigation Project	Basic per acre up to 5.75 acre-feet *	\$61.50	\$64.00
	Excess Water per acre-foot over 5.75 acre-feet	\$18.00	\$18.00
Duck Valley Irrigation Project	Basic per acre	\$5.30	\$5.30
Yuma Project, Indian Unit (See Note #2)	Basic per acre up to 5.0 acre-feet *	\$154.50	(+)
	Excess Water per acre-foot over 5.0 acre-feet *	\$30.00	(+)
	Basic per acre up to 5.0 acre-feet (Ranch 5) *	\$154.50	(+)

Project Name	Rate Category		Final 2021 Rate	Final 2022 Rate
San Carlos Irrigation Project (Joint Works) (See Note #3)	Basic per acre *		\$25.78	\$26.00
	Final 2022 Construction Water Rate Schedule:			
	---	Off Project Construction	On Project Construction – Gravity Water	On Project Construction – Pump Water

	Administrative Fee	\$300.00	\$300.00	\$300.00
	Usage Fee	\$250.00 per month	No Fee	\$100.00 per acre foot
	Excess Water Rate †	\$5.00 per 1,000 gal.	No Charge	No Charge

Project Name	Rate Category	Final 2021 Rate	Final 2022 Rate
San Carlos Irrigation Project (Indian Works) (See Note #4)	Basic per acre *	\$97.78	\$90.50
Uintah Irrigation Project	Basic per acre	\$23.00	\$23.00
	Minimum Bill	\$25.00	\$25.00
Walker River Irrigation Project	Basic per acre	\$31.00	\$31.00

*	Notes irrigation projects where rates are adjusted.
+	These rates have not yet been determined.
†	The excess water rate applies to all water used in excess of 50,000 gallons in any one month.
Note #1	O&M rates for LeClair and Riverton Valley Irrigation Districts apply to trust lands that are serviced by each irrigation district. The annual O&M rates are based on budgets submitted by LeClair and Riverton Valley Irrigation Districts, respectively.
Note #2	The O&M rate for the Yuma Project, Indian Unit has two components. The first component of the O&M rate is established by the Bureau of Reclamation (BOR), the owner and operator of the Project. BOR's rate, which is based upon the annual budget submitted by BOR, is \$151.00 for 2021 but has not been established for 2022. The second component of the O&M rate is established by BIA to cover administrative costs, which includes billing and collections for the Project. The 2021 BIA rate component is \$3.50/acre. The final 2022 BIA rate component is \$4.00/acre.
Note #3	The Construction Water Rate Schedule identifies fees assessed for use of irrigation water for non-irrigation purposes.
Note #4	The O&M rate for the San Carlos Irrigation Project—Indian Works has three components. The first component is established by BIA San Carlos Irrigation Project—Indian Works, the owner and operator of the Project; the 2021 rate is \$56.00 per acre, and the final 2022 rate is \$56.50 per acre. The second component is established by BIA San Carlos Irrigation Project—Joint Works; the 2021 rate is \$25.78, and the final 2022 rate is \$26.00 per acre. The third component is established by the San Carlos Irrigation Project Joint Control Board (comprised of representatives from the Gila River Indian Community and the San Carlos Irrigation and Drainage District); the 2021 rate is \$16.00 per acre, and the 2022 rate is \$8.00 per acre.

Consultation and Coordination with Tribal Governments (Executive Order 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with

Indian Tribes and recognition of their right to self-governance and Tribal sovereignty.

We have evaluated this notice under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments are not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on state, local, or Tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. They do not have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

These rate adjustments do not effect a taking of private property or otherwise have “takings” implications under Executive Order 12630. The rate adjustments do not deprive the public, State, or local governments of rights or property.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, these rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of

Management and Budget (OMB), under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires January 31, 2023.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4370(d)), pursuant to 43 CFR 46.210(i). In addition, the rate adjustments do not present any of the 12 extraordinary circumstances listed at 43 CFR 46.215.

Bryan Newland,

Principal Deputy Assistant Secretary – Indian Affairs.

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